



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

5 Post Office Square, Suite 100
Boston, MA 02109-3912

URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

March 18, 2015

Keddy Mill Enterprises, LLC
c/o Mr. Scott LaLumiere
Milk Street Capital, LLC
86 Middle Street
Portland, Maine 04101

Re: Request for Supplemental Information Pursuant to Section 104 of CERCLA for the
Keddy Mill Superfund Site, Windham, ME

Dear Mr. LaLumiere:

This letter seeks Keddy Mill Enterprises, LLC's ("Keddy Mill Enterprises") cooperation in providing additional information and **documents** relating to the environmental conditions at, and cleanup of, the Keddy Mill Superfund Site located at 7 Depot Street, Windham Maine ("Site").

The United States Environmental Protection Agency ("EPA") is investigating the release or threatened release of hazardous substances, pollutants, and contaminants at the Site. This investigation includes an inquiry into the identification, nature, source, and quantity of materials transported to or generated, treated, stored, or disposed of at the Site. EPA is also seeking information concerning those persons responsible for the cleanup of the Site and their ability to undertake or finance that cleanup.

We have received your September 3, 2014 response to EPA's August 27, 2014 information request, and are seeking clarification of your responses. The purpose of this supplemental information request is to confirm whether or not you have documents relevant to these questions, or do not have any information at all regarding these questions. We were unable to determine this from the responses you provided. We have provided a copy of your response for reference.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9604(e), you are hereby requested to respond to the Information Request set forth in the Enclosure to this letter.

While EPA seeks your voluntary cooperation in this investigation, compliance with the Information Request is required by law. Failure to provide a complete truthful response to this Information Request within thirty (30) days of your receipt of this letter, or to adequately justify

such failure to respond, may subject you to an enforcement action by EPA pursuant to Section 104(e) of CERCLA. This provision permits EPA to seek the imposition of penalties of up to thirty-seven thousand five hundred dollars (\$37,500) for each day of non-compliance. Please note that responses which are incomplete, ambiguous, or evasive will be treated as complete non-compliance with this Information Request. Also be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

Your response to this Information Request should be mailed to:

Donna Murray, Enforcement Coordinator
U.S. Environmental Protection Agency, Region 1
Office of Site Remediation and Restoration
5 Post Office Square, Suite 100
Mail Code: OSRR07-2
Boston, MA 02109-3912

If you have general questions concerning the Site or this information request, please contact Leslie McVickar, Remedial Project Manager, U.S. Environmental Protection Agency, 5 Post Office Square, Suite 100 (OSRR07-4), Boston, MA 02109-3912 at (617) 918-1374. If you have any legal questions, or if your attorney wishes to communicate with EPA on your behalf, please contact Susan Scott, Senior Enforcement Counsel, U.S. Environmental Protection Agency, 5 Post Office Square, Suite 100 (OES04-2), Boston, MA 02109-3912, at (617) 918-1778.

We appreciate and look forward to your prompt response to this information request.

Sincerely,



Anni Loughlin, Chief
Maine, Vermont and Connecticut Superfund Section
Office of Site Remediation and Restoration

Enclosures: Information Request, including the following: information request questions; a declaration for signature; information request instructions; EPA's contractor list; information request definitions; a Site description; and September 3, 2014 information request response.

cc:

Susan Scott, EPA Senior Enforcement Counsel
Leslie McVickar, EPA Remedial Project Manager
Donna Murray, EPA Enforcement Coordinator
Rebecca Hewett, Maine DEP
Judy Lao, EPA CERCLIS Data Administrator
OSRR Record Center

**INFORMATION REQUEST FOR
KEDDY MILL SUPERFUND SITE**

* **Period Being Investigated: 2011 to Present** *
* *

In addition to the questions which follow, this enclosure includes a declaration, a site description, detailed instructions for responding to this request, and definitions of words such as "Respondent," "identify," "waste," and "asset" used in the questions. These materials appear at the end of the questions; please refer to them in answering all questions. Of particular importance:

- Answer each question with respect to the period being investigated noted above unless the question indicates otherwise.
- Answer all questions completely in accordance with the definitions and instructions.
- Complete the enclosed declaration.
- For each question, identify all persons and documents relied upon in the preparation of the answer.
- All information provided for which you are making a claim of business confidentiality or which contains personal privacy information should be contained on separate sheets and clearly marked as confidential or private.

This request imposes a continuing obligation upon you to submit responsive information discovered after your original response is submitted to EPA.

INFORMATION REQUEST QUESTIONS

1. General Information About Respondent:

NOTE: All questions in this section refer to the present time unless otherwise indicated.

- a. Provide the full legal name and mailing address of the Respondent.
- b. For each person answering these questions on behalf of Respondent provide:
 - i. full name;
 - ii. title;
 - iii. business address; and
 - iv. business telephone number and email address.
- c. If Respondent wishes to designate an individual for all future correspondence concerning this Site, including any legal notices, please so indicate here by providing that individual's name, address, telephone number, and email address.

2. Respondent's Legal and Financial Status:

NOTE: All questions in this section refer to the present unless otherwise indicated.

- a. According to a search of the Maine Department of the Secretary of State Bureau of Corporations' database conducted in March 2015, Keddy Mill Enterprises LLC was administratively dissolved on September 6, 2012 for failure to file an annual report. Provide:
 - i. a brief description of the nature and reason for dissolution;
 - ii. documents memorializing or indicating the dissolution of the entity; and
 - iii. a statement listing the entity's assets (real property and other property) at the time of dissolution and how and to whom the entity's assets were distributed.
- b. According to a search of the Maine Department of the Secretary of State Bureau of Corporations' database in March 2015, Lumas, Inc. was administratively dissolved on September 6, 2012 for failure to file an annual report. Provide:
 - i. a brief description of the nature and reason for dissolution;
 - ii. documents memorializing or indicating the dissolution of the entity; and
 - iii. a statement listing the entity's assets (real property and other property) at the time of dissolution and how and to whom the entity's assets were distributed.
- c. Identify all of Keddy Mill Enterprises LLC's current assets if they have not been

previously distributed and the person or entity who currently owns or is responsible for such assets.

3. Ownership and Operations at the Site:

NOTE: All questions in this section refer to the period of Site ownership unless otherwise indicated. Please respond to these questions with a substantive answer and/or by providing responsive documents.

- a. Describe any interests in or encumbrances of the Site that are held by others, including but not limited to leases, liens, easements, deed restrictions, and mortgages. **The prior answer from Respondent was N/A. Does this mean there are no interests in or encumbrances currently on the Site property?**
- b. Identify the owners of all such interests/encumbrances. **The prior answer from Respondent was N/A. Does this mean there are no interests in or encumbrances currently on the Site property?**
- c. Did Respondent acquire the Site after the disposal or placement of the hazardous substances on, in, or at the Site? Describe all of the facts on which you base the answer to the preceding question.
- d. Describe all investigations of the Site Respondent undertook prior to acquiring the Site and the results of these investigations. **In the prior answer from Respondent, Respondent stated that there were no surveys, studies or collections of data for which Respondent has submitted information to local, state, federal or private entities concerning the Site. Does this mean that no surveys, studies or collections of data were conducted prior to Respondent's purchase of the Site in 2011?**
- e. Describe any visual inspections of the properties Respondent undertook prior to acquiring the Site and the results of these inspections.
- f. Describe any specialized knowledge or experience on the part of Respondent regarding operations at the Site at the time of Respondent's acquisition of the Site.
- g. State the purchase price of the Site and **provide a copy** of any appraisal performed at the time of acquisition.

4. Information About Others:

- a. If you have information concerning the operation or ownership of the Site or the source, content or quantity of materials placed/disposed at the Site which is not

included in the information you have already provided, provide all such information.

- b. If not already included in your response, if you have reason to believe that there may be persons, including persons currently or formerly employed by Respondent, who are able to provide a more detailed or complete response to any of these questions or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
- c. If not already provided, identify all persons, including Respondent's current and former employees, who have knowledge or information about the generation, use, purchase, treatment, storage, disposal, placement or other handling of materials at, or transportation of materials to, the Site.

The following form of declaration must accompany all information submitted by Respondent in response to the Information Request:

DECLARATION

I declare under penalty of perjury that I am authorized to respond on behalf of

_____ and that the foregoing is complete, true, and correct.
Respondent

Executed on _____, 20__

Signature

Type Name

Title [if any]